

# Naples City Council

## July 10, 2014

### Minutes

The regularly scheduled meeting of the Naples City Council was held July 10, 2014, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

#### ***DATE, TIME & PLACE OF MEETING***

Council members attending were Dean Baker, Gordon Kitchen, Dennis Long, and Robert Hall. Dan Olsen and Kenneth Reynolds were absent

#### ***COUNCIL MEMBERS ATTENDING***

Others attending were Liberty Best, Jim Harper, Matt & Maegen Morton, Jake Molyneax, Scott & Lisa Wiswell, Connie Patton, Craig Blunt and Nikki Kay.

#### ***OTHERS ATTENDING***

At 7:30 p.m. Mayor Dean Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Robert Hall offered the invocation.

#### ***OPENING CEREMONY***

Mayor Baker noted that the selection of a Mayor Pro-Tem could be removed from the agenda and then he asked for approval of the agenda. Dennis Long **moved** to approve the agenda. Robert Hall **seconded** the motion. The motion passed with all in attendance voting aye.

#### ***AGENDA APPROVED***

Mayor Baker presented the minutes of the June 26, 2014 regular City Council meeting for approval. Dennis Long **moved** to accept the minutes. Gordon Kitchen **seconded** the motion. The motion passed with all in attendance voting aye.

#### ***MINUTES APPROVED***

Mayor Baker asked if anyone had anything from the previous meeting to follow up on. Councilman Kitchen asked about the amount paid to the Rodeo last year. Nikki Kay stated it was \$1,500. Councilman Kitchen wanted it noted that is the amount agreed to from the previous meeting.

#### ***FOLLOW UP ITEMS FROM PREVIOUS MEETING***

Connie Patton presented the bills for payment approval. The amount presented to the Council was \$33,135.85 and Connie asked for an addition \$100 for training classes for Craig and an additional \$17,953.20 for three months of payments to Dennis Judd. The total amount requested by Connie was \$51,151.20. Robert Hall **moved** to approve the

#### ***APPROVAL OF THE BILLS***

amount of \$51,151.20. Dennis Long **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Absent
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

A business license application was presented for approval by Danlin Industries at 1553 E Hwy 40. Craig Blunt said he has been working with the business to solve a couple of issues involving the storage of chemicals but feels those are being worked out and he recommended approval of the license. Gordon Kitchen **moved** to approve the license for Danlin Industries. Robert Hall **seconded** the motion. The motion passed with all in attendance voting aye.

***BUSINESS LICENSE  
APPROVAL***

A solicitation business license for Kelly Collet was presented to Council for their approval. Councilman Kitchen questioned if someone was allowed to conduct door-to-door solicitation in the City because he thought there was an ordinance prohibiting it. Craig said the ordinance restricts some activity and regulates it but does not prohibit it. Gordon Kitchen **moved** to approve the solicitation business license for Kelly Collett. Dennis Long **seconded** the motion. The motion passed with all in attendance voting aye.

***SOLICITATION BUSINESS  
LICENSE APPROVAL***

A travel request from Rachelle Palmer was submitted to Council for their approval. The request was to attend the summer prosecutor's conference in Cedar City. The amount requested was \$592.60. Dennis Long **moved** to approve the travel request. Robert Hall **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Absent
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

***TRAVEL APPROVAL FOR  
CITY PROSECUTOR***

Jim Harper submitted a travel request for his crew to attend the Snow Fighters Conference in Saratoga Springs. The request was for \$30 registration for all three. Jim was asked what they would learn at this conference. Jim said the conference advertised they would have an application expert,

***TRAVEL APPROVAL FOR  
ROAD DEPARTMENT***

the UDOT director of maintenance, and a keynote speaker. Councilman Kitchen raised his concern about having the full department gone all at once and wondered if that was wise. He said he understands it is just for one day but asked Jim to consider if this was a good idea. Jim said one of them can stay if that is what they want. Gordon Kitchen **moved** to approve the request but asked Jim to give this some thought for the future in case an emergency ever came up. Robert Hall **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Absent
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

The bid results and award of the bid for the fence project on 1900 South were on the agenda for approval. Councilman Kitchen said before the Council moved too far into the discussion they needed to review a portion of the Land Use Ordinance that might present an issue. Councilman Kitchen had Chris Hoem print off Chapter 02-15-11 of the Land Use Ordinance under the parking lot requirements. The section reads "Parking lots with five or more spaces must have a minimum of a 10 foot wide landscape strip adjacent to any street. Exterior perimeters of the parking lot shall have a minimum of a five-foot wide landscaping strip. Parking lots with more than twenty spaces must have a minimum of five percent interior landscaping. All landscaped areas shall consist of live plant materials and be serviced by a permanent underground water system. Trees shall be planted in the landscape areas at a ratio of one tree per 300 square feet of gross landscape area. Parking lots of five or more spaces shall provide a masonry wall six-feet in height when parking lots are adjacent to a residential use. This solid barrier shall be maintained in good condition without any advertising thereon." Councilman Kitchen said he didn't want to stop this project he just didn't see how they could move forward in awarding the bid if they might be in violation of the City's own ordinance. Councilman Kitchen said this does not stop the residents from putting up their own fences but it does stop the City. Craig said as this reads the City would have to go back to the stone fence. Councilman Kitchen said he didn't know what the City was going to do with the property, or when, but he hated to see the City put out money when they might have to put in a different type of

***BID RESULTS AND  
AWARD OF BID FOR  
FENCE PROJECT ON 1900  
SOUTH***

fence if the lot is developed. Councilman Kitchen said the City would have to bear the total cost of a stone fence. Mayor Baker said this put the City on hold from putting up a fence but wondered if this put the residents on hold. Councilman Kitchen felt they could put up whatever fence they wanted but if the City came back and put up a fence then it might butt up against theirs and would not look good at all. Mayor Baker thought maybe the City might have to back off and not do anything at all until this can be figured out. Councilman Kitchen didn't think that was fair to the residents. Mayor Baker said the City was trying to help the residents out and get them a fence. Councilman Kitchen didn't know if they could get a variance for the fence. Chris Hoem said this would not qualify for a variance. Chris wondered if they could even fit a building there with the stated requirements for a landscape strip. Councilman Hall said he has always been concerned about that and at what point it would still be worth doing. Mayor Baker said they might have to send this back to the Planning Commission. Mayor Baker asked if any of the property owners had any comments. Jake Molyneaux stated he was a little frustrated because this has been going on for so long. Mr. Molyneaux said they wouldn't have any idea how tall this fence would be from the back and that would have a bearing on his side walls. Chris Hoem wanted to know if the School District would be willing to buy the property and put it into parking. Councilman Kitchen said they would be required to do the same thing. Mayor Baker said the City doesn't have a lot of jurisdiction over what the school's do. Councilman Kitchen asked the homeowners at what point they were at in wanting to start a fence. Two of the owners stated they were ready to go, one stated this was going to be a project for next year for them. Matt Morton questioned if the property was turned over the School District could they put a chain link fence up next to his property. Mayor Baker said they could. Mr. Morton said they tried to buy the property to keep that from happening and then the City exercised eminent domain and now after all of that they are talking about selling the property to the school where a chain link fence could be put up next to their houses. Mayor Baker said they could still put up their own fence. Councilman Kitchen said that idea was just thrown out and the Council has not discussed selling the property. Councilman Kitchen said he wasn't sure what to do, he was ready to move on the fence until this came up. Mayor Baker said he was wanting to help the residents out and get this going. Councilman Kitchen said he was uncomfortable going against the City's ordinance. Mayor Baker said they could

turn it back to the Planning Commission. Councilman Kitchen said it would only be fair to give the resident a time frame. Mayor Baker wanted to know how they could give them a time table. He said the residents could always put up their own fence and he didn't know what would happen on the City's side. Councilman Hall said it would be a lot of money for the fence and the property and he wouldn't mind a community center but he is still concerned about the parking and the parking ratio needed for that kind of building. Chris said they can build a fence and not a parking lot. Councilman Hall questioned him on that. Chris said the residents would get their fence until the City decided what is going to happen with the property. Chris said if the City decided they were going to build then they would have to take down the fence and rebuild. Mayor Baker said they could do an ordinance change because these things get so restrictive. Councilman Kitchen said that is why they should send it back to Planning & Zoning. Matt Morton questioned how that looks because the City is changing the laws for their property. Councilman Kitchen said it is done all the time when things don't work. He said the City doesn't want an ordinance that isn't going to work. Mr. Molyneaux had a question about the bid and the mow strip. Craig said the bid shows the mow strip a few inches above the ground but he said whoever got the bid, they would sit down with them and make some changes. Mayor Baker said the original bid was put out for the slope of the ground and he didn't like that. He thought it would be better to do it as a step. Mayor Baker said the only suggestion he could make would be to table this matter. Mr. Morton asked about what the City was considering as far as stepping the fence with the mow strip. Mayor Baker explained how they were thinking of doing that. Mr. Morton asked if the property owners got together and agreed to sign a waiver on the fence if they could get this worked out. Mayor Baker said the City's whole object was to help them get a fence. Mr. Morton said if the property owners get together and vote on it and sign a waiver could they let Craig know. Mayor Baker said he would have to find out if the City can legally do that. Mr. Morton said maybe they can just put in the fence and have the City reimburse them for the cost of it. Mr. Molyneaux said that school will be starting soon and he would like to get started so he doesn't have to worry about his backyard and the items in it. Mr. Wiswell wanted to know if the City was going to be okay with payments and to make sure there would be no interest charged. Council said payments would be fine and there would be no interest. Mayor Baker read the bids from the two companies that

submitted them. Gordon Kitchen **moved** to table this item and have the staff approach Dennis Judd to see if it would be legal to have the home owners sign a waiver and be able to move forward with the vinyl fence. Councilman Kitchen said he felt bad about putting this on hold but he didn't want to act contrary to a City ordinance. Mr. Molyneaux wanted to know if the property owners needed to get together or if they were to wait to hear from the Council. Councilman Kitchen said it would be good for them to come to a consensus about what they feel comfortable with so no time is wasted. Dennis Long **seconded** the motion. All voted aye. Councilman Long wanted to know if they find out everything is okay with Mr. Judd can the Council do a phone poll to move forward with the project. Mayor Baker said the bids received were for the fence to slope the whole way and to follow the grade of the ground. Councilman Hall said they don't want that and it wouldn't be right for them. Councilman Kitchen said he could rescind his motion to table and they would have to rebid. Mr. Molyneaux asked about the City putting some type of community center on the property. Mayor Baker said they had talked but nothing has been done about it. He said the City acquired the land and they want to be good neighbors and get a fence up. Gordon Kitchen **moved** to **rescind** his motion. Dennis Long **seconded** the motion to rescind. Gordon Kitchen **moved** to reject the bids received with instruction to get a step and graded bid for the fence and to also obtain information from Dennis Judd on how to proceed. Mr. Morton asked if they could get a site plan with the elevations listed. Mayor Baker said the request for new bids should have that information and he can get it from Craig. Robert Hall **seconded** the motion. The motion passed with all voting aye.

Councilman Hall asked Chris if there are required parking spaces for number of seats if a certain type of building is built there. Chris said yes, unless the ordinance is amended. Mayor Baker said the Planning Commission can look at that also.

Jim Harper came before the Council to purchase metal for manhole covers. Mayor Baker asked him if they were building their own. Jim said they needed pieces of metal to place over the manholes while they are under construction. Jim received two bids one from Simper Supply for \$1,950 and one from Metal Mart for \$1,119.88. Gordon Kitchen **moved** to go with the low bid of \$1,119.88. Robert Hall **seconded** the motion. The motion passed with the following vote:

***REQUEST APPROVAL TO  
PURCHASE MANHOLE  
COVERS***

Dan Olsen	Absent
Robert Hall	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

Jim Harper requested approval to purchase a backhoe mounting kit. The price of the kit was \$1,637. Mayor Baker wanted to know what they would use it for. Jim stated they didn't use it at all last year but it would be used to dig in smaller spaces. The only thing Jim was concerned about was if they purchase the kit it will only fit bobcat products. Gordon Kitchen **moved** not to approve this expenditure. Robert Hall **seconded** the motion. All in attendance voted aye.

***REQUEST TO PURCHASE  
BACKHOE MOUNTING  
KIT***

Jim Harper told the Council he contacted four companies for bids on striping the roads, two responded. Council members received the bids from All Star Striping (\$21,102.69) and Interstate Barricades (\$23,924.10). Councilman Long asked Jim about the companies. Jim stated he has used them both and they both do good work. Dennis Long **moved** to approve the bid from All Star Striping in the amount of \$21,102.69. Gordon Kitchen **seconded** the motion. The motion passed with the following roll call vote:

***APPROVE EXPENDITURE  
FOR STREET STRIPING***

Robert Hall	Aye
Dan Olsen	Absent
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

Council members received Ordinance 14-166 regarding restrictions on fireworks. Councilman Kitchen asked if this ordinance would be just for the month of July. Craig said that is how it reads. Gordon Kitchen **moved** to approve firework restriction Ordinance 14-166. Dennis Long **seconded** the motion. The motion passed with the following vote:

***ORDINANCE 14-166  
FIREWORK  
RESTRICTIONS***

Robert Hall	Aye
Dan Olsen	Absent
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

Craig Blunt told Council members they met with Uintah County to receive their approval to add the fire station project to the one-year capital improvement list. Craig stated the project was approved to be added. Mayor Baker reminded the Council this still has to go before the UBAG board for their approval and hoped it would still meet the October deadline for submission.

***UPDATE ON THE FIRE  
STATION PROJECT***

Craig stated they have set up a meeting for July 17, 2014 to meet with the engineers and Fire Marshall. Councilman Hall said there is still talk of adding an office for the Fire Marshall to the new building but they were told it would depend on the cost.

Nothing was brought forward under other matters.

***O T H E R  
MATTERS/FUTURE  
COUNCIL MATTERS***

Dennis Long **moved** to adjourn the meeting at 8:35 p.m. Robert Hall **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

***MOTION TO ADJOURN***

APPROVED BY COUNCIL ON THE 14<sup>th</sup> DAY OF AUGUST 2014

BY: \_\_\_\_\_

ATTEST: \_\_\_\_\_